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June 28, 2002

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June 28, 2002 Date	<i>[Signature]</i> Gina N. Shishima

Commissioner for Patents  
Washington, D.C. 20231

Re: SN 09/413,109 entitled "METHODS FOR THE ADMINISTRATION OF  
ADENOVIRUS p53 (AS AMENDED)" by Zhang et al.  
Our ref: INRP:087/10012509 Client ref: MDA90-002 DIV 5

Commissioner:

Enclosed for filing in the above-referenced patent application is:

- (1) Response to Final Office Action dated May 23, 2002;
- (2) Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application;
- (3) Check in the amount of \$55.00 as the fee for the Terminal Disclaimer; and
- (4) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/10012509/GNS.

Very truly yours,

*[Signature]*  
Gina N. Shishima  
Reg No. 45,104

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Enclosures  
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**BOX AF  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1623**



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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Zhang et al.

Serial No.: 09/413,109

Filed: October 6, 1999

For: METHODS FOR THE  
ADMINISTRATION OF ADENOVIRUS  
p53 (AS AMENDED)

Group Art Unit: 1636

Examiner: Guzo, David

Atty. Dkt. No.: INRP:087

**RESPONSE TO FINAL OFFICE ACTION DATED MAY 23, 2002**

**BOX AF**  
Commissioner for Patents  
Washington, D.C. 20231

Commissioner:

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This paper is submitted in response to the final Office Action dated May 23, 2002 for which the three-month date for response is August 23, 2002.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski Account L.L.P. No.: 50-1212/10012509/GNS.

Reconsideration of the application in view of the following remarks is respectfully requested.

## **RESPONSE TO OFFICE ACTION**

### **A. Status of the Claims**

Claims 22-97 were pending prior to the Office Action dated May 23, 2002. All claims were rejected. No claims are amended, added, or cancelled, and thus the claims pending in this case are 22-97.

### **B. A Terminal Disclaimer Is Submitted over Application 08/626,678**

Claims 22-97 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 29-32 and 34-35 of U.S. Patent Application Serial No. 08/626,678 (INRP:005--1). Applicants recently received a Notice of Allowance in that application. Applicants submit herewith a terminal disclaimer. Therefore, Applicants request this rejection be withdrawn.

### **C. Provisional Double Patenting Rejection Should Be Withdrawn**

The Action provisionally rejects claims 22-97 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9-13, 22-52, and 56-72 of U.S. Patent Application Serial No. 08/459,713 (INRP:019).

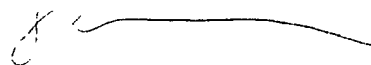
Because this is a provisional rejection and the cited application has not been allowed, Applicants are not submitting a terminal disclaimer over this application. Because this is the only remaining rejection, and it is provisional, Applicants respectfully request this application pass to allowance.

## **CONCLUSION**

Applicants believe that the foregoing remarks fully respond to all outstanding matters for this application. Applicants respectfully request that the rejections of all claims be withdrawn because they are in condition for allowance.

Should the Examiner desire to sustain any of the rejections discussed in relation to this Response, the courtesy of a telephonic conference between the Examiner, the Examiner's supervisor, and the undersigned attorney at 512-536-3081 is respectfully requested.

Respectfully submitted,



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Attorney for Applicants

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Date: June 28, 2002